

REGULATION

SPDOC No.: 07-14	Effective Date: October 7, 2007	Index Reference: General Emergency Compensation	Regulation Number: 5.06
Issued By: Compensation	Rule Reference: Rule: 5-4 (Additional Compensation: Overtime, etc.)		Replaces: Reg. 5.06 (CS6940, March 18, 2001)
Authority: Regulations are issued by the State Personnel Director under authority granted in the Michigan Constitution and the Michigan Civil Service Commission Rules. Regulations are subordinate to the Commission Rules.			
Subject: COMPENSATION UNDER CONDITIONS OF GENERAL EMERGENCY			

TABLE OF CONTENTS

1. PURPOSE.....	1
2. CIVIL SERVICE COMMISSION RULE REFERENCE	1
3. STANDARDS.....	2
A. Definition.	2
B. Administrative Determination.....	2
C. Compensation.	2
D. Additional Timekeeping Procedures.....	3

1. PURPOSE

This regulation establishes the standards and procedures for compensating employees under conditions of general emergency.

2. CIVIL SERVICE COMMISSION RULE REFERENCE

Note: This Section 2 reprints only selected Commission Rules for quick reference by the reader. Additional Rules (that are not reprinted below) may apply. The complete, current version of the Rules can be found at www.michigan.gov/mdcs.

Rule 5-4 Additional Compensation: Overtime, etc.

5-4.1 Additional Compensation

An appointing authority may require an employee to work under special conditions. An eligible employee working under the following special conditions is paid the pay premiums provided in this rule in accordance with the regulations.

5-4.2 Overtime

- (a) **Eligibility.** *The compensation schedules must identify each classification that is eligible for overtime pay. Overtime pay is paid to eligible employees for time in pay status in excess of 8 hours in a day and 40 hours in a week or as otherwise provided in the regulations.*
- (b) **Rate.** *The overtime rate of pay is one and one-half times the employee's regular rate of pay, as defined in the regulations. The regulations may provide for accrual of compensatory time at the premium rate instead of a cash payment.*

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5-4.5 Shift Differential

- (a) **Eligibility.** *The compensation schedules must identify each classification that is eligible for shift differential premium. The shift differential premium is payable to an eligible employee for each shift in which more than 50 percent of the employee's regularly scheduled shift falls between 4:00 p.m. and 5:00 a.m.*
- (b) **Rate.** *The shift differential premium is 5 percent of an employee's regular rate.*

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3. STANDARDS**A. Definition.**

Conditions of general emergency include, but are not necessarily limited to, severe or unusual weather, civil disturbance, loss of utilities, physical plant failures, or similar occurrences. Such conditions may be widespread or limited to specific work locations.

B. Administrative Determination.

When conditions in an affected area or specific location warrant, state facilities may be ordered closed or, if closure is not possible because of the necessity to continue services, a facility may be declared inaccessible. The decision to close a state facility or declare it inaccessible is at the full discretion of the Governor or designated representative. The appointing authority is responsible for receiving and documenting the appropriate authorization for closure or declared inaccessibility.

C. Compensation.

1. When a state facility is closed or declared inaccessible in accordance with this regulation, employees unable to report for work due to such conditions are granted administrative leave to cover their absence during normally scheduled hours of work for the period of closure or declared inaccessibility. An employee who is sent home under such conditions after completing a portion of the regularly scheduled shift is granted administrative leave for the balance of the shift.
2. An employee may be required to work during situations of closure or declared inaccessibility. In these instances, the employee is compensated as follows:

- a. At the employee's base rate of pay during all hours of the employee's regularly scheduled shift.
- b. In accordance with regulation 5.02 [Premium Payment of Overtime, On-call Compensation, and Callback Compensation] for all hours worked outside the employee's regularly scheduled shift.
- c. In addition to pay, an employee is granted paid time off equal to the number of hours worked during the period of closure or declared inaccessibility.

D. Additional Timekeeping Procedures.

1. If a state facility has not been closed or declared inaccessible in accordance with the definition in this procedure, and an employee is unable to work because of such conditions, the employee is allowed to use annual leave or compensatory time credits to cover the absence from work. If the employee does not have sufficient credits, or the employee chooses, the employee is placed on lost time.
2. When an employee is absent from a scheduled work period, a portion of which is covered by a declaration of closure or inaccessibility, annual leave or compensatory credits may be used to cover that portion of the employee's absence not covered by administrative leave. If sufficient credits are not available, or the employee chooses, the employee is placed on lost time.
3. Employees who are absent due to sick or annual leave usage or who have previously scheduled annual leave during the period of closure or inaccessibility are not entitled to administrative leave.
 - a. If an employee previously on sick or annual leave is scheduled to return to work while the building remains closed or inaccessible the employee then becomes eligible for such administrative leave for the remaining portion of closure or inaccessibility.
 - b. Employees who incur lost time as the result of application of this regulation receive credit for a completed biweekly work period for all other purposes.

CONTACT

Questions regarding this regulation should be directed to Compensation, Civil Service Commission, P.O. Box 30002, 400 South Pine Street, Lansing, Michigan 48909; by telephone, at 517-335-7862, 517-373-7618 or 1-800-788-1766; or by e-mail to MDCS-Compensation@michigan.gov.